



Legislative Bulletin.....December 12, 2001

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H.R. 3448 -- Public Health Security and Bioterrorism Response Act of 2001

Order of Business: The House will vote on Wednesday, December 12 on the motion made on Tuesday to suspend the rules and pass the bill.

Summary:

HHS emergency Health Provisions:

Requires the Secretary of HHS to establish a National Preparedness Plan and make periodic reports to Congress.

Establishes the position of Assistant Secretary for Emergency Preparedness within HHS.

Requires the establishment of a National Disaster Medical System – a federally led coordinated effort with State and other appropriate entities to provide health services, health-related social services and other appropriate human services to respond to a public health emergency. Authorizes such sums as may be necessary to carryout the program.

Authorizes such sums as may be necessary for grants, contracts, or other agreements to establish a coordinated network of public health laboratories and to establish an integrated public health communications and surveillance networks.

Authorizes \$300 million for the improvement of CDC facilities (includes renovation and new construction).

Establishes Advisory Committees on Children and Terrorism and Public Information and Communications.

Requires the development of materials for teaching a core curriculum related to bioweapons.

Authorizes such sums as may be necessary to provide grants and establish cooperative agreements with public and private non-profit health or education entities for low-interest loans, scholarships, and other assistance for the education and training of health professions for which there is a shortage that the Secretary of HHS determines should be alleviated in order to prepare for public health emergencies.

Requires the establishment of a system to verify the credentials of individuals who volunteer to serve as health professional during public health emergencies.

Authorizes \$1.2 billion in FY 2002 and such sums thereafter to maintain stockpiles of drugs, vaccines, etc for responding to public health emergencies

Permits the fast-tracking of the approval of drugs to treat, identify, or prevent infection by a biological agent or toxin.

Streamlines the process for issuing quarantine rules (eliminates the requirement for a National Advisory Health Council Recommendation prior to issuance).

Permits the Secretary of HHS to temporarily waive requirements related to deadlines, participation by individuals and health care providers, and sanctions under the Medicare, Medicaid, and SCHIP programs during public health emergencies.

Authorizes such sums as may be necessary for the Secretary of Energy to conduct research related to pathogens that might be used in a biological attack.

Authorizes such sums as may be necessary for the Agency for Toxic Substance and Disease Registry for planning and responding to public health emergencies.

Directs that all National Telecommunications and Information Administration grants in FY 2003 and 2004 shall be used to facilitate participation in national public health communications and surveillance networks.

Authorizes \$2.72 billion in FY 2002 and such sums as be necessary through FY 2006 to carryout provisions authorized in current law and the bill including:

- \$1 billion for assistance to States and other public or private entities as authorized
- \$1.2 billion for the national stockpile of vaccines (includes \$509 million for smallpox vaccine) (as included above)
- \$450 million for the CDC including \$300 million for facilities (as included above)

Toxins and Biological Agents:

Requires the establishment of a list of each biological agent and toxin that has the potential to pose a severe threat to public health and safety; directs the HHS to issue regulations establishing standards governing the possession, use, and transfer of items on the list; the registration with HHS of those individuals and entities that possess and use biological toxins and agents (while such information would not be subject to a Freedom of Information Act request, the government is authorized to release information for the purpose of protecting the public health and safety); finally the bill establishes civil penalties for the violation of these provisions.

Food and Drug Supply:

Authorizes \$100 million in FY 2002 and such sums through FY 2006 to study and improve testing and detection of intentionally adulterated food.

Permits the FDA to detain food that it believes may present a threat of serious adverse health consequences to humans or animals.

Permits the holding of food at ports of entry for 24 hours to permits inspection if there is credible evidence or information that food may pose a health risk

Requires registration with the Secretary of any facility engaged in manufacturing, processing, packaging or holding of food for consumption in the U.S. The Secretary may exclude retail establishments.

Requires the prior notice of food shipments intended for import into the U.S.

Authorizes such sums as may be necessary for grants to states for food inspections and providing notices to the public regarding adulterated imported food.

Modifies provisions related to the registration of foreign manufacturers, shipping information, and drug and device listing.

Drinking Water Security:

Requires each community water system serving a population greater than 3,300 to conduct a vulnerability assessment related to intentional acts designed to disrupt the supply of safe water.

Requires each community water system serving a population greater than 3,300 to prepare an emergency response plan.

Requires the Administrator to provide guidance to community water system serving a population less than 3,300 on how to conduct vulnerability assessments and prepare emergency response plans

Authorizes \$120 million in FY 2002 and such sums through FY 2004 to provide assistance to community water systems to carryout these requirements.

Requires the Administrator to review and study methods individuals may use to disrupt safe water supplies and methods to prevent such disruptions

Cost to Taxpayers: While a CBO cost estimate is unavailable, the Committee estimates that the bill will costs taxpayers \$2.9 billion in FY 2002.

Constitutional Authority A Committee Report is unavailable.

Does the Bill Create New Federal Programs or Rules: The bill creates numerous new programs and reporting and registration requirements.

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H.Con.Res. 282—Expressing the sense of Congress that the Social Security promise should be kept (Shaw)

Order of Business: The House will vote on Wednesday, December 12 on the motion made on Tuesday to suspend the rules and pass the bill.

Summary: H.Con.Res. 282 would resolve a sense of Congress that:

- the President's Commission to Strengthen Social Security should present in its recommendations creative ways to protect the commitment to beneficiaries without lowering benefits or increasing taxes; and
- the President and the Congress should join to develop legislation to strengthen Social Security as soon as possible, and such legislation should--
 - recognize the obstacles women face in securing financial stability at retirement or in cases of disability or death and the essential role that the Social Security program plays in providing income security for women;
 - recognize the “unique needs” of minorities and the “critical role” the Social Security program plays in preventing poverty and providing financial security for them and their families; and
 - guarantee current-law-promised benefits, including cost-of-living adjustments that fully index for inflation, for current and future retirees, without increasing taxes.

The resolution would also state the following findings :

- “Social Security provides essential income security through retirement, disability, and survivor benefits for over 45 million Americans of all ages, **without which nearly 50 percent of seniors would live in poverty;**”
- “Social Security is of particular importance for low earners, especially widows and women caring for children, **without which nearly 53 percent of elderly women would live in poverty;**”
- “Deferring action to save Social Security will result in loss of public confidence in the program, will increase the likelihood of spending cuts to other essential programs, and will expose beneficiaries, particularly those with low earnings, to poverty-threatening benefit cuts or reduce workers' take-home pay through burdensome payroll tax increases;”
- “Workers' ability to save and invest for their own retirement will continue to be particularly important, especially for younger workers, to enhance their own retirement security;”

Cost to Taxpayers : The resolution would authorize no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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H.R. 3209-Anti-Hoax Terrorism Act (Smith, Lamar)

Order of Business: The House will vote on Wednesday, December 12 on the motion made on Tuesday to suspend the rules and pass the bill.

Summary: H.R. 3209 would create criminal and civil penalties for whoever engages in conduct to convey false or misleading information where such information may reasonably be believed and where such information concerns an activity that would constitute a violation of existing laws relating to: (1) biological weapons attacks, (2) chemical weapons attacks, (3) nuclear attacks, or (4) weapons of mass destruction. Criminal penalties include fine and /or imprisonment for up to 5 years and reimbursement for any party incurring expenses related to any emergency or investigative response to the conduct for those expenses. An individual is also civilly liable to any party incurring expenses related to any emergency or investigative response to the conduct for those expenses.

Cost to Taxpayers : CBO says that H.R. 3209 would have no significant costs.

Does the Bill Create New Federal Programs or Rules?: The bill establishes new criminal and civil penalties.

Constitutional Authority: The Judiciary Committee (in House Report 107-306) cites constitutional authority in Article I, Section 8, but fails to cite a specific clause.

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H.R. 1022—Community Recognition Act (Doolittle)

Order of Business: The House will vote on Wednesday, December 12 on the motion made on Tuesday to pass the bill. Under the corrections calendar three-fifths of those members present and voting are required to pass a bill.

Summary: H.R. 1022 would amend current law (Section 7(m) of Title 4 of the U.S. Code) to provide that in the event of the death of a present or former official of any city or other locality, the chief elected official of that locality could proclaim that the American flag be flown at half staff. Current law does not grant such authority upon the death of a local official.

Cost to Taxpayers: CBO says that H.R. 1022 would have no significant costs.

Does the Bill Create New Federal Programs or Rules?: The bill would amend current law to allow local officials to order the American flag flown at half staff upon the death of a local official.

Constitutional Authority: The Judiciary Committee (in House Report 107-305) cites constitutional authority in Article I, Section 8, Clause 18 (the power to make all laws “necessary and proper” to execute the powers otherwise allocated in the Constitution).

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